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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/521,442	03/07/2000	Gopinathan K. Menon	680.0035USU	1007

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EXAMINER
DI NOLA BARON, LILIANA

ART UNIT	PAPER NUMBER
1615	

DATE MAILED: 12/11/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/521,442	MENON, GOPINATHAN K.	
	Examiner	Art Unit	
	Liliana Di Nola-Baron	1615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 August 2001* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *07 March 2000* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

DETAILED ACTION

Applicant's request for continued examination of the instant application is acknowledged. The suspension of action requested by Applicant and filed on August 2, 2001 has expired. Accordingly, an Office action on Applicant's claimed invention follows.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-13 and 18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Schreuder.

The claimed invention refers to a method of preventing, treating or ameliorating an affected area of the skin or hair, comprising topically applying to said area perilla oil.

Schreuder discloses a composition for the treatment of skin disorders, such as cellulitis or striae (See e.g., col. 1, lines 6-14). The examiner notes that cellulite is accumulation of subcutaneous fat and stria is a stripe or line in the skin. Schreuder teaches that the paraffinic oils of the composition may be mixed with esters from unsaturated higher natural fatty acids and from higher natural unsaturated aliphatic alcohols, derived from animal or vegetable oils, including perilla seed oil (See e.g., col. 1, lines 26-47). Additionally, Schreuder teaches that the esters are added to the compositions of the invention in an amount of 1-6% by weight (See e.g., col. 1, lines 48-53).

The method of treatment and the composition disclosed by Schreuder meet the limitations of claims 1-13 and 18-20 of the instant application, as they contemplate a method of preventing, treating or ameliorating an affected area of the skin or hair, comprising topically applying to said area perilla oil. Thus, Schreuder anticipates the claimed invention.

> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. Claims 1-13 and 18-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Soma et al.

The claimed invention refers to a method of preventing, treating or ameliorating an affected area of the skin or hair, comprising topically applying to said area perilla oil.

Soma et al. provides a composition for topical application, containing as an active ingredient an extract from a plant of the family Labiatae, for enhancing hyaluronic acid productivity (See e.g., col. 1, lines 6-15). Soma et al. teaches that hyaluronic acid plays important roles in the adhesion and protection of cells, formation of dermal tissues, retention of histionic water and maintenance of flexibility, and that a decrease in hyaluronic acid is linked to symptoms of dermal aging, such as lowering of wetness and tenseness and occurrence of wrinkles and flabbiness (See e.g., col. 1, lines 27-54). Soma et al. includes the Perilla genus among the plant extracts from the family of Labiatae, which enhance hyaluronic acid productivity (See e.g., col. 2, lines 5-59) and teaches that the whole herb or the seeds of various Perilla plants may be used in the composition of the invention (See e.g., col. 3, lines 11-18). Soma et al. contemplates preparation of the extracts using organic solvents (See e.g., col. 3, lines 39-48). Soma et al. teaches that the amount of plant

extract in the composition is 0.0001 to 20% by weight and that the composition may contain carriers, diluents and auxiliaries, including antioxidants, ultraviolet absorbers or scattering agents, vitamin A and retinol (See e.g., col. 3, line 49 to col. 4, line 42).

The method of treatment and the composition disclosed by Soma et al. meet the limitations of claims 1-13 and 18-20 of the instant application, as they contemplate a method of preventing, treating or ameliorating an affected area of the skin or hair, comprising topically applying to said area perilla oil. Thus, Soma et al. anticipates the claimed invention.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soma et al. in view of Snider.

The claimed invention refers to a method of preventing, treating or ameliorating an affected area of the skin or hair, comprising topically applying to said area perilla oil and to a method of treating skin affected by acne, comprising preparing a topical composition comprising perilla oil and fish oil.

The teachings of Soma et al. have been summarized above (See 35 U.S.C. 102(e) rejection of claims 1-13 and 18-20). Soma et al. does not include fish oil in the composition and treatment of the invention.

Snider discloses reactive polymers for the treatment of skin disorders (See e.g., col. 1, lines 6-10). Snider teaches that the product of the invention is effective in treating different kinds of eczema or dermatitis of allergic-toxinic origin, or fungal, bacterial or chemical origin (See e.g., col. 3, lines 34-39). Snider explains that the component A of the invention can be obtained from natural oil, including fish and perilla oil (See e.g., col. 3, line 65 to col. 4, line 14).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the composition and method of treatment disclosed by Soma et al., by combining perilla and fish oil in the composition of the invention, as taught by Snider, to increase the efficacy of the treatment. Because of the teachings of Soma et al., that plant extracts may be mixed with auxiliaries, one of ordinary skill in the art would have a reasonable expectation that the method of treatment claimed in the instant application would be successful. Therefore the invention as a whole would have been *prima facie* obvious to one of ordinary skill in the art at the time the invention was made.

Conclusion

6. Claims 1-20 are rejected.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 308-1234/ 1235.

December 4, 2001

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SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600

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